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## **Abstract**

### **Civil Liability for Medical Errors of Surgeons and their Assistants in Public Hospitals**

**SAAD ABUZAID**

**Mu'tah University, 2008.**

Medical Responsibility is an essential part of our daily life and an integral part of the medical profession. In spite of its importance, the Jordanian legislature has, to a large extent, ignored the regulation of its general principles and has not issued specialized regulations for this field.

This study has discussed the basic principles and regulations on which the surgeon's civil medical liability for his mistakes should be based, in addition to the liability for errors committed by surgeon's assistants in Jordanian Public Hospitals. The study has attempted to shed light on core issues raised by the subject of Civil Medical Liability in these hospitals, clarifying that not all negative consequences of medical surgical procedures on patients fall within the realm injuries or damage requiring compensation. We have tried to clarify that certain matters fall within the category known as "Medical Complications".

Furthermore, this research has shown that the trend for specialization, in addition to the scientific and technical progress in the medical profession, has begun to greatly impact the old classical trends in civil liability of surgeons in Public Hospitals. The study has shown that this kind of liability should be based upon the principle of actual "mistakes" or "errors", and not upon the principle of "harmful act", as the existing general principles now indicate.

Last, it has shown us that the fact that the judge lacks expertise in the medical field forces him to abide by reports of "Expert Witnesses" from the technical aspect, without losing his power or his rights as the highest authority in a legal case in the courts.

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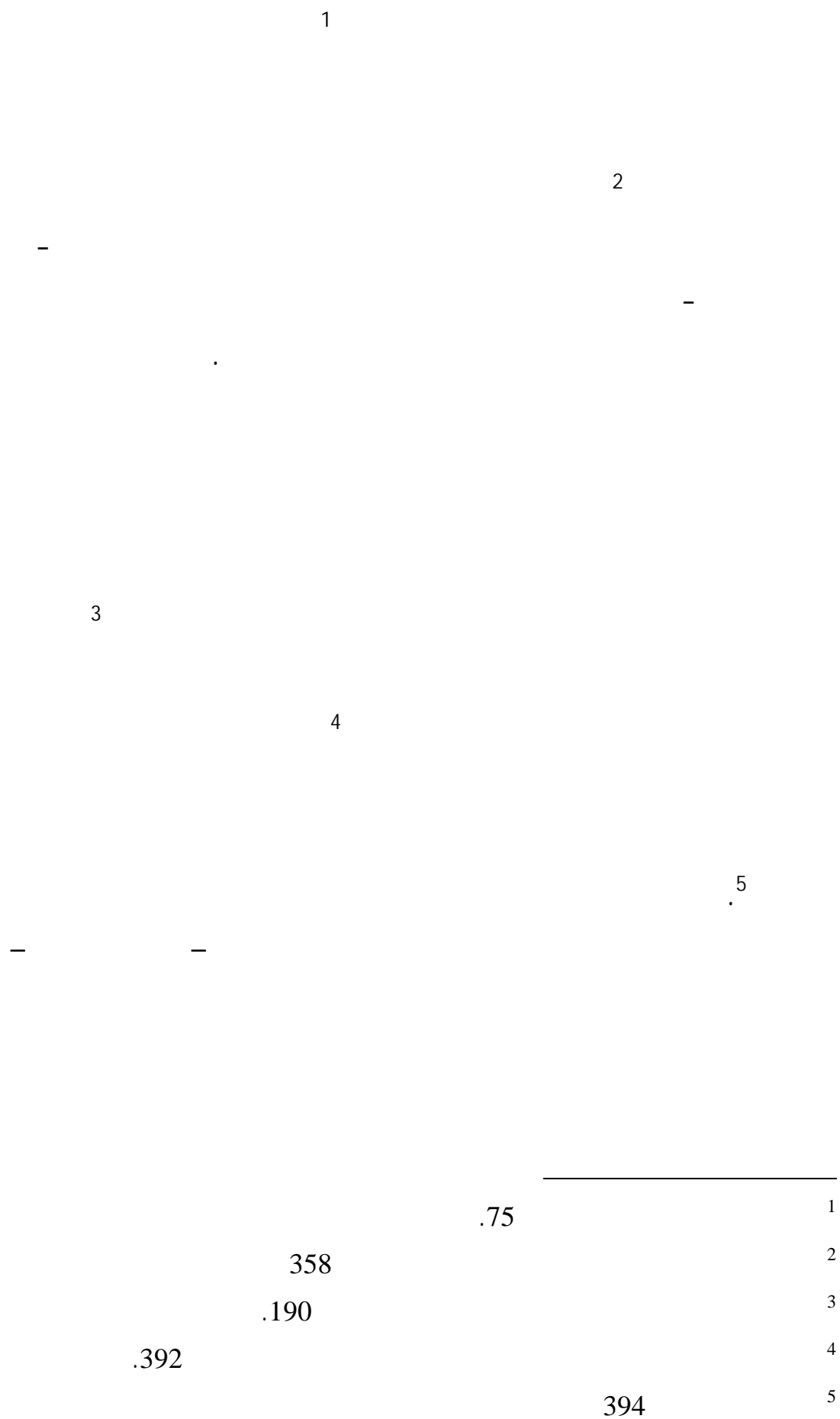
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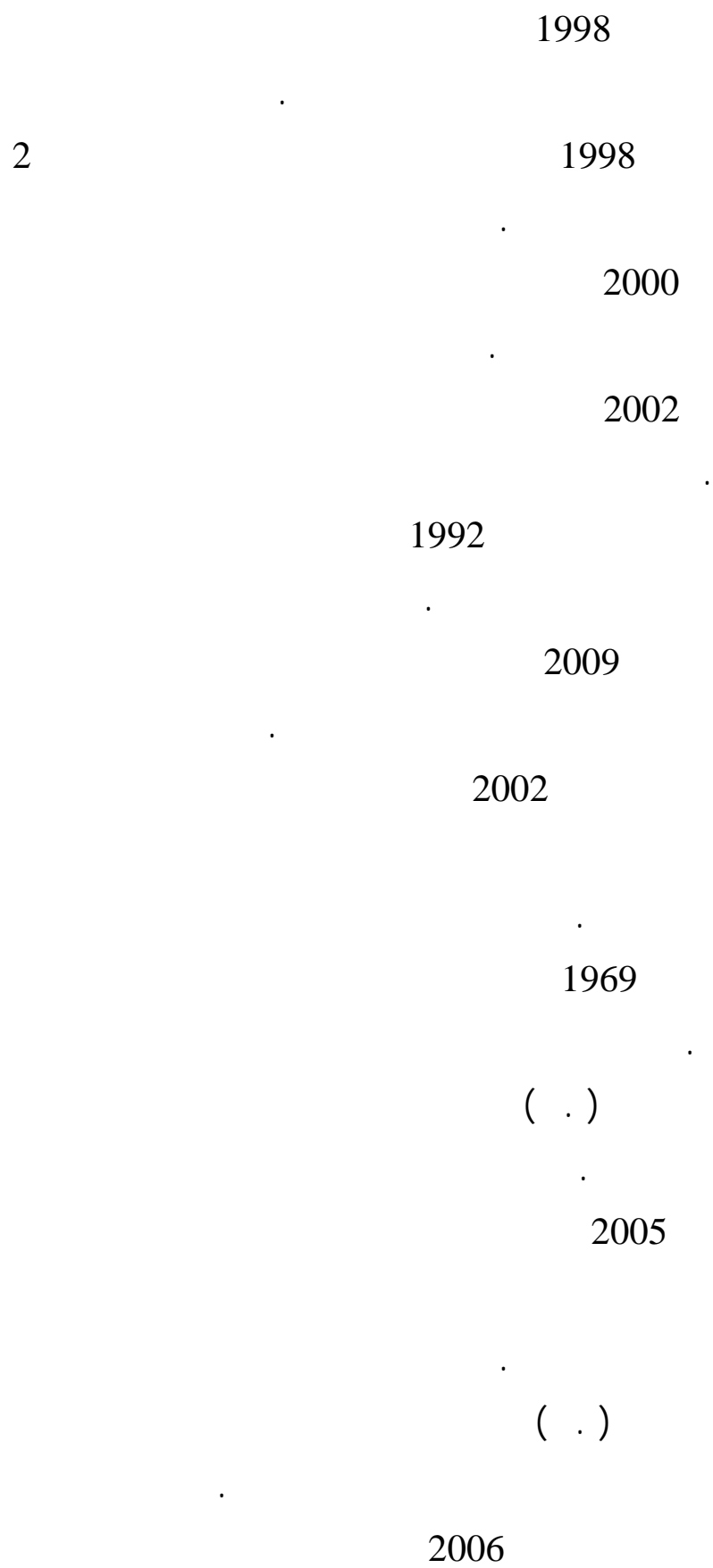
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